

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable James Donato, Judge

ERICA FRASCO, et al.,	)	
individually and on behalf of	)	
all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
VS.	)	NO. 3:21-CV-00757 JD
	)	
FLO HEALTH, INC., META	)	
PLATFORMS, INC.,	)	
	)	
Defendants.	)	
_____	)	

San Francisco, California  
Thursday, July 31, 2025

**TRANSCRIPT OF PROCEEDINGS**

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I N D E X

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## PROCEEDINGS IN CAMERA

Thursday - July 31, 2025

9:06 a.m.

P R O C E E D I N G S

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(Proceedings were heard out of the presence of the jury.)

**THE COURTROOM DEPUTY:** All rise. This court is now in session, the Honorable James Donato presiding.

**THE COURT:** Good morning.

**ALL:** Good morning, Your Honor.

**THE COURTROOM DEPUTY:** Please be seated.

(The following proceedings were held in camera.)

**THE COURTROOM DEPUTY:** Calling Civil 21-757, Frasco versus Flo Health, Inc.

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## PROCEEDINGS IN CAMERA

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## PROCEEDINGS

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4 (Recess taken at 9:11 a.m.)

5 (Proceedings were heard out of the presence of the jury.)

6 (Proceedings resumed at 9:34 a.m.)

7 (The following proceedings were heard in open court:)

8 **THE COURTROOM DEPUTY:** All rise.

9 You may be seated. We're back on the record in Civil  
10 21-757.

11 **THE COURT:** Okay. What's the plan for the day?

12 **MR. CLUBOK:** Your Honor, the only open witness is this  
13 video deposition designation that we're considering playing,  
14 but plaintiffs have an objection.

15 **THE COURT:** That's it?

16 **MR. CLUBOK:** That's the only thing on the table for  
17 today in terms of further evidence before defense rests.

18 **THE COURT:** Are we finished with the other person? Is  
19 she done?

20 **MR. LEVIS:** Yeah.

21 **MR. CLUBOK:** Ms. Golbeck? Yes. They rested.  
22 Remember? They rested.

23 **THE COURT:** Yeah, we're done, okay. All right. That  
24 sounds fine.

25 Now, what's the issue with this witness?

## PROCEEDINGS

1           **MR. LEVIS:** Sure. The issue is defendants intend to  
2 play a video by Madeline Kiss, who was originally one of  
3 plaintiffs in the case but was not proposed as a class  
4 representative and we do not believe is a member of the class.  
5 Subsequently, we were unable to confirm data that she actually  
6 used the app.

7           That's why we did not advance her as a class  
8 representative. We're not actually sure she could file a claim  
9 in this case, so we do not think her testimony is relevant at  
10 all since she's not a class member and no longer part of the  
11 case.

12           **THE COURT:** Oh. Not a class member. Okay.

13           Defendant?

14           **MR. CLUBOK:** Well, Your Honor, in Your Honor's order  
15 on class certification, Footnote 4, Your Honor says,  
16 "Plaintiffs did not say why named plaintiffs Pietrzyk,  
17 Ridgeway, and Kiss are not seeking appointment as class  
18 representatives under Rule 23. The Court construes this to  
19 mean that they remain in the class as class members only."

20           That class definition seems to squarely cover Ms. Kiss.  
21 Her interrogatory response says that the approximate date that  
22 she signed up for the Flo Health app was sometime in the fall  
23 of 2016 to spring of 2017, or early 2018, and then she deleted  
24 the app January 13, 2021, and she last used the app likely in  
25 the week before January 13, 2021. That's Ms. Kiss' response

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1 to --

2           **THE COURT:** Why don't you hand that to Ms. Clark,  
3 please.

4           **MR. CLUBOK:** Sure, Your Honor.

5           **THE COURT:** Well, you have an interrogatory response  
6 saying she signed up.

7           **MR. LEVIS:** Yeah, I don't think the issue is whether  
8 she signed up. I think the issue is when she signed up, and  
9 early -- signing up in the fall of 2016 would put her before  
10 the start of the class period. We think that's why there's no  
11 data showing that she used the app, which is why we didn't  
12 advance her in the class.

13           **THE COURT:** She said sometime between fall of 2016 to  
14 spring of early 2018.

15           **MR. LEVIS:** Correct. That's what she remembers. And  
16 when we subsequently looked for data from Flo, there was not a  
17 record that she had a Flo account or data for Flo, so --

18           **THE COURT:** She's not here, so I can't -- I can't ask  
19 her any questions.

20           **MR. LEVIS:** I understand.

21           **THE COURT:** It's three minutes of testimony. I mean,  
22 does it really matter?

23           **MR. LEVIS:** The only thing I'd say is if Your Honor is  
24 going to allow the testimony to be played, we received this  
25 late after the disclosure deadline. We had some counters we'd

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1 play. I understand if you're going to allow it to go  
2 forward --

3 **THE COURT:** You have some counters? Yeah, that's  
4 fine, of course.

5 **MR. CLUBOK:** Yes, but just for the record, we  
6 disclosed this and designated this testimony weeks ago when it  
7 was -- the deadline for -- original deadline for designations.  
8 We had disclosed more of her testimony. Given the way the case  
9 has progressed and given that this response to Mr. Canty's  
10 argument to our client that there couldn't be a woman that  
11 would make her period public, two days ago we disclosed that  
12 shortened version, not additional testimony -- this shortened  
13 version. So I just want to put on the record we absolutely  
14 disclosed this way in advance, the whole amount. We disclosed  
15 a small portion --

16 **THE COURT:** I didn't say you didn't. You keep saying  
17 you're putting things on the record I didn't ask about. Just  
18 stop. All right? We don't need it. Okay? When I have a  
19 question that matters, I'll ask.

20 So go ahead. Play your designations -- your counters,  
21 whatever they are.

22 **MR. LEVIS:** Okay.

23 **MR. CLUBOK:** By contrast --

24 **THE COURT:** Let's bring them out.

25 **MR. CLUBOK:** Can I just say one thing, Your Honor? We

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1 have not yet seen their designations because they're just doing  
2 them now, apparently, so --

3 **THE COURT:** Did you not share them?

4 **MR. LEVIS:** We sent them.

5 **MR. CLUBOK:** Like 10 minutes ago. So now we need to  
6 see their counter-designations, take a look at, and maybe  
7 respond. We did --

8 **THE COURT:** From what I've seen here, this women's  
9 testimony is like a big nothing, so what are the designations?  
10 I mean, how long are they?

11 **MS. VILLEGAS:** They're not long.

12 **THE COURT:** How long are the designations?

13 **MR. LEVIS:** Yeah, I don't know. I assume they're  
14 short.

15 **THE COURT:** Well, you put them together, didn't you?

16 **MR. LEVIS:** Yes. I personally didn't put them  
17 together. I just don't know the time. I'm just checking.

18 **THE COURT:** Just give me an estimate. You looked at  
19 them last night.

20 (Counsel conferring.)

21 **THE COURT:** Two minutes? I mean, they're  
22 three minutes, 48 seconds --

23 **MR. LEVIS:** I'm being told they're approximately  
24 five minutes, maybe less.

25 **THE COURT:** Odd comments about the red demon. I mean,

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1 really? Okay. Is that what you want to counter?

2 MR. LEVIS: Yeah. I mean, we don't think the  
3 testimony is relevant, which is why we thought it should be  
4 excluded.

5 THE COURT: Just tell me how long is it?

6 (Discussion held off the record.)

7 THE COURT: Are you sure you want to end with this?  
8 Is this really worth it? This testimony looks like nothing to  
9 me. It's up to you.

10 MR. CLUBOK: Your Honor, I'm going to take your  
11 advice. If it looks like a nothing to you, that's fine. We  
12 will --

13 THE COURT: You want to skip it?

14 MR. CLUBOK: We will skip it and take your advice, and  
15 we appreciate it.

16 THE COURT: You can't afford my advice, so...

17 (Laughter.)

18 THE COURT: I'm not giving advice for free.

19 MR. CLUBOK: We'll take Mr. Levis' advice, Your Honor.

20 THE COURT: I want to be clear: It's totally your  
21 call.

22 MR. CLUBOK: Of course. No, I understand. I was  
23 obviously joking. We'll take Mr. Levis' advice and we'll  
24 just --

25 THE COURT: Okay. So that's it?

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1           MR. CLUBOK: We'll rest.

2           THE COURT: We're to call them in and you're going to  
3 say "defendant rests"?

4           MR. CLUBOK: I'm sorry. One quick question, Your  
5 Honor.

6           THE COURT: All right. Yes.

7           MR. CLUBOK: Okay. So I think that is the final  
8 answer.

9           THE COURT: I'm going to call them in, tell them it's  
10 just Meta, and then you're going to say "defendants rest."  
11 Okay?

12          MR. CLUBOK: Yes, Your Honor. The matter rests;  
13 right?

14          THE COURT: Well, you're the defendant.

15          MR. CLUBOK: Defendant.

16          THE COURT: However you want to say it.

17          MR. CLUBOK: I apologize. I thought you said  
18 "defendants."

19          THE COURT: No, defendant.  
20 All right. Here we go.

21          THE COURTROOM DEPUTY: All rise.

22                   (The jury enters the courtroom.)

23           (Proceedings were heard in the presence of the jury.)

24          THE COURTROOM DEPUTY: Please be seated. We're back  
25 on the record in Civil 21-757.



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1           **THE COURT:** All right. Members of the jury, you will  
2 remember on our very first day, jury selection, I told you this  
3 is a live show. There are developments that happen.

4           I'm going to apprise you of some developments. The first  
5 development is you do not have to answer any questions about  
6 Flo in your jury deliberations. All right?

7           You're only going to answer questions with respect to the  
8 remaining defendant. That's Meta.

9           Do not speculate. Don't spend a minute or a second of time  
10 trying to figure out why this is so. These things just happen.

11          There's nothing to engage your attention in any way, so just  
12 put it out of your mind and focus on what you're going to be  
13 called to do tomorrow, which is when the case will be in your  
14 hands, and that is to answer the questions pursuant to the jury  
15 instructions that I give you at that point and the verdict form  
16 that you'll have. All right?

17          Now, we will close tomorrow, so that means the party -- the  
18 plaintiff and the remaining defendant, Meta, will both make  
19 their closing arguments. They both get up to 45 minutes each,  
20 so just be prepared to settle in. We'll have a little stretch  
21 break in between because it's very important for you to  
22 maintain your, you know, attention, as you have throughout this  
23 trial. I've been watching closely and you've all been very  
24 attentive, and I know the parties appreciate that.

25          Then your deliberations will start. So tomorrow is

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1 definitely a 9:00-to-5:00 p.m. day, and that will be the case  
2 starting on Monday until you reach a verdict. All right? So  
3 just from now on, it's a full-time gig. Okay? 9:00 to 5:00.

4 All right. Now, the plaintiff has rested, which means it's  
5 Meta's opportunity if they wish to do whatever they'd like to  
6 do.

7 Meta, what would you like to do?

8 **MS. JOHNSON:** Your Honor, Meta rests its case.

9 **THE COURT:** Okay. So that is it for your day today.  
10 There are no -- the evidence is closed. So you're going to  
11 get -- I would think of it as a bonus day to attend to your  
12 affairs before you settle in for jury deliberations from  
13 9:00 a.m. to 5:00 p.m., so take advantage of it.

14 And although I just said this to you I think less than  
15 18 hours ago, let me tell you again:

16 Don't think about anything, including anything I've said  
17 today. Put it all out of your mind. Go and attend to  
18 everything else that you have to do or would like to do, and  
19 I'll see you tomorrow morning at 9:00 a.m.

20 **THE COURTROOM DEPUTY:** All rise.

21 (The jury leaves the courtroom.)

22 (Proceedings were heard out of the presence of the jury.)

23 **THE COURTROOM DEPUTY:** You may be seated. All right  
24 I'll have those posted soon. I'll probably have you back at  
25 1:30 or 2:00 and I'll say it in the cover.

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1           **MR. CLUBOK:** Your Honor, we would like to make a  
2 Rule 50(a) motion.

3           **THE COURT:** Oh, yes. Go ahead.

4           **MR. CLUBOK:** Thank you.

5           Your Honor, plaintiffs' CIPA claim against Meta fails for  
6 multiple independent reasons. Meta did not eavesdrop upon or  
7 record plaintiffs' conversations. The secondhand repetition of  
8 the contents of the conversation does not amount to  
9 eavesdropping or recording. That's *Smith versus LoanMe* and  
10 *Flanagan versus Flanagan*, holding there's a critical  
11 distinction between eavesdropping upon or recording a  
12 conversation and later disseminating its contents.

13          There's been no evidence presented that suggests that Meta  
14 recorded -- received anything approaching a live transmission  
15 or verbatim recording of plaintiffs' communications with Flo.

16          Rather, as both experts testified and the documentary  
17 evidence confirmed, as well as the fact witnesses like  
18 Mr. Wooldridge, the custom app events at issue and the  
19 corresponding parameters that Flo transmitted or attempted to  
20 transmit to Meta which were chosen and compiled by Flo into its  
21 code were distinct from the communications between plaintiffs  
22 and Flo. So under both *Smith* and *Flanagan*, Meta and plaintiffs  
23 have no cause of action to sue based on the separate  
24 communication between Flo and Meta because plaintiffs were not  
25 a party to that communication.

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1        See the *Smith* case, 11 Cal.5th at 200, *Noel versus Hall* --  
2        in *Noel versus Hall*. And additionally, even if Meta received  
3        any recording or so-called recording of plaintiffs'  
4        conversation with Flo, the evidence showed that it was not Meta  
5        who recorded those conversations, but entirely at the  
6        discretion of Flo.

7                **THE COURT:** Okay.

8                **MR. CLUBOK:** Furthermore, Your Honor, the SDK is not  
9        an electronic amplifying or recording device. The word  
10       "device" means a piece of equipment or a mechanism designed to  
11       serve a special purpose or perform a specific function. It's  
12       the *Moreno* case. Software is not a tangible piece of equipment  
13       and thus does not qualify as a device under 632, and even if a  
14       software application could be seen as a virtual device, the SDK  
15       still would not qualify because it's just a collection of open  
16       source code, lines of code that become fully integrated into a  
17       broader software application. As the expert testimony on both  
18       sides confirmed, even if the SDK were considered to be or  
19       treated as a device, the evidence shows it's not a recording  
20       device, evidence on both sides, because it's used to transmit  
21       data that's created or selected by Flo but not to record users'  
22       actual conversations with Flo.

23        Third, Meta did not intentionally obtain any of the  
24       at-issue relevant data. The plaintiffs failed to prove that  
25       Meta intentionally eavesdropped upon or recorded the kinds of

## PROCEEDINGS

1 communications at issue in this lawsuit according to *Doe I*  
2 *versus Google* case. Meta did not act consciously and  
3 deliberately with that goal in mind, under *U.S. versus*  
4 *Christensen*, the Ninth Circuit, Meta, in fact, specifically  
5 tried to avoid obtaining confidential information by requiring  
6 them to obtain or contracting with them to obtain notice and  
7 consent from their users as to all data sharing and  
8 specifically prohibiting them in their contractual agreements  
9 from sharing health or other categories of sensitive  
10 information. See the *BK versus Desert Care Network*. The  
11 evidence shows that Meta --

12 **THE COURT:** You know, it's an oral motion. It's not  
13 an opportunity to read a canned brief. I got it. Okay?

14 Plaintiff, go ahead.

15 **MR. CLUBOK:** May I briefly give three bullet points of  
16 the remaining bases --

17 **THE COURT:** I'm just not doing that.

18 **MR. CLUBOK:** Okay.

19 **THE COURT:** It's not appropriate for an oral Rule 50  
20 motion.

21 Plaintiffs?

22 **MR. CANTY:** Yes, Your Honor. Plaintiffs believe that  
23 if you take the evidence in the light most favorable to the  
24 plaintiffs that we've made out each and every element of the  
25 California Invasion of Privacy Act, that Meta intentionally

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1 eavesdropped by the use of a recording device of the private  
2 conversations of the women.

3 We heard the testimony from the women. They considered it  
4 private. We heard the testimony of Dr. Egelman that the SDK is  
5 a recording device. And we have testimony from the women that  
6 they did not consent to have their private communications with  
7 Flo recorded by Meta.

8 As such, we believe this is a question for the jury to  
9 decide.

10 **THE COURT:** Okay. The motion is denied, subject to  
11 renewal as warranted after the verdict.

12 **MR. CANTY:** Thank you, Your Honor.

13 **THE COURT:** Okay. I'll see you later.

14 **MR. CLUBOK:** I'm sorry. Your Honor, may we please be  
15 permitted to file this brief in the next hour?

16 **THE COURT:** No.

17 **MR. CLUBOK:** There's points on the record that the  
18 Ninth Circuit says --

19 **THE COURT:** You've got plenty. Don't worry about it.  
20 You're fine. Most of the rule -- people who do Rule 50 motions  
21 speak for about 90 seconds. Okay? It's not an impediment to  
22 appeal if you need to get there.

23 All right. Thank you.

24 **MS. McCLOSKEY:** Your Honor, may I put one objection on  
25 the record?

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1           **THE COURT:** What?

2           **MS. McCLOSKEY:** We've raised this issue with you  
3 before. During the testimony --

4           **THE COURT:** Let me tell you something. If you're  
5 asking for the fourth time to do a retroactive objection to  
6 that person, I'm going to sanction you. I have told you four  
7 times in a row now not to do that. You missed your boat.  
8 Don't keep doing this or I'm going start to question your  
9 suitability to practice in this district. You are not hearing  
10 me, and I do not have any more time for this.

11           What is your name?

12           **MS. McCLOSKEY:** My name is Elizabeth McCloskey.

13           **THE COURT:** That's it, Ms. McCloskey. You are  
14 crossing the line now to the point where you're going to start  
15 facing some sanctions -- personal, professional conduct  
16 sanctions. Now sit down.

17           **MS. McCLOSKEY:** Thank you, Your Honor.

18           **THE COURT:** That is a terrible way to end your case.

19           **THE COURTROOM DEPUTY:** All rise.

20           You may be seated.

21                       (Recess taken at 9:50 a.m.)

22                       (Proceedings resumed at 1:41 p.m.)

23           (Proceedings were heard out of the presence of the jury.)

24           **THE COURTROOM DEPUTY:** All rise. This Court is now in  
25 session. The Honorable James Donato presiding.

## CHARGING CONFERENCE

1 Please be seated.

2 THE COURTROOM DEPUTY: We're back on the record in  
3 Civil 21-757, Frasco versus Flo Health.

4 THE COURT: Okay. On the fast track to Judgment Day.  
5 We all set?

6 I posted the proposed final instructions at Docket 741.  
7 Let's do that first.

8 MR. CANTY: Yes, Your Honor. With respect to the  
9 instructions --

10 THE COURT: Yes.

11 MR. CANTY: -- we had some proposed edits for the  
12 Court.

13 THE COURT: Proposed edits. All right.

14 MR. CANTY: Turning to page 3.

15 THE COURT: Instruction 2. Let's do the instruction  
16 number. How about that?

17 MR. CANTY: Yes, sure. This is Instruction Number 2.  
18 It lists the plaintiffs are Erica Frasco --

19 THE COURT: Oh, yes. Okay. Who should I take out?

20 MR. CANTY: Erica Frasco and Autumn Meigs.

21 THE COURT: All right. So we're going to keep  
22 Wellman, Chen, and Gamino.

23 MR. CANTY: Yes, Your Honor.

24 THE COURT: Okay. Done.

25 MR. CANTY: On Instruction Number 14.



## CHARGING CONFERENCE

1           **THE COURT:** Okay. Which one?

2           **MR. CANTY:** This is Instruction Number 14, Your Honor.  
3       We ask to delete --

4           **THE COURT:** 14.

5           **MR. CANTY:** Yes. Stipulations of fact.

6           **THE COURT:** You want to take that out?

7           **MR. CANTY:** No, no.

8           **THE COURT:** Yeah.

9           **MR. CANTY:** Just some of it.

10          **THE COURT:** Frasco?

11          **MR. CANTY:** Yes. Number 1.

12          **THE COURT:** Number 5?

13          **MR. CANTY:** Number 5.

14          **THE COURT:** That's good.

15          **MR. CANTY:** Number 6, if we could remove the word  
16       "defendant." They're no longer a defendant in the case.

17          **THE COURT:** Take "defendant" out. Well, they were a  
18       defendant. Well, let's see.

19       Do you want me to take "defendant" out? They were a  
20       defendant.

21          **MR. CANTY:** Okay.

22          **THE COURT:** Defendant, what do you think? You want to  
23       take it out or leave it in?

24          **MR. CLUBOK:** I would leave it in since we stipulated  
25       and they were a defendant.

## CHARGING CONFERENCE

1           **THE COURT:** Okay.

2           **MR. CANTY:** And Number 8, Your Honor.

3           **THE COURT:** Plaintiffs first -- what do you want to  
4 change?

5           **MR. CANTY:** Just take it out. It's not relevant.  
6 When they filed their case against Flo, they're no longer a  
7 defendant.

8           **THE COURT:** Oh, Flo. Okay, yes. Wait a minute.  
9 Isn't that the -- oh. What happened? I didn't realize that  
10 you sued Meta and Flo on different dates.

11           **MR. CANTY:** Yes, Your Honor.

12           **THE COURT:** Oh, okay. 8? Take 8 out?

13           **MR. CLUBOK:** Well, we think it should stay in, Your  
14 Honor. It may well go to the statute of limitations and the  
15 fact that they waited an additional six months to sue Meta.

16           **THE COURT:** Why don't we leave it in.

17           **MR. CLUBOK:** Okay.

18           **THE COURT:** We'll leave that one in. All right.  
19 So take out 1 and 5.

20           **MR. CANTY:** Your Honor, Instruction Number 19.

21           **THE COURT:** One second.

22 Defendant, why don't you come up here.

23           **MR. CLUBOK:** Yes, Your Honor.

24           **THE COURT:** Which one? 19? What about Number 13?  
25 Shouldn't I take Meigs out of that?

## CHARGING CONFERENCE

1           **MR. CANTY:** Yes. I'm sorry, Your Honor. I thought I  
2 had mentioned that. Ms. Meigs, that was Number 5.

3           **THE COURT:** We'll just do a universal remove of Frasco  
4 and Meigs. Okay?

5           Okay. Now, which one do you have?

6           **MR. CANTY:** Your Honor, I have a typographical edit on  
7 19, but I did want to talk generally about 18 and 19, the  
8 affirmative defense.

9           **THE COURT:** Wait. 19?

10          **MR. CANTY:** This is 18 and 19, the affirmative defense  
11 statute of limitations.

12          **THE COURT:** You agreed to this.

13          **MR. CANTY:** I understand. That was with the  
14 understanding that Meta was going to present evidence that  
15 individuals were on notice or they had information to consider  
16 that put them on notice that -- that there was a claim.

17          **THE COURT:** Good argument. Good argument. I'm not  
18 going to take it out, though.

19          **MR. CANTY:** Okay.

20          **THE COURT:** But you can -- let me put it this way: I  
21 understand what you're saying, but you're going to -- you can  
22 argue it.

23          **MR. CANTY:** Your Honor, we would ask, then, that there  
24 be no mention of the Wall Street Journal article in the closing  
25 arguments, since it's not in evidence and no witness was asked

## CHARGING CONFERENCE

1 specifically --

2 THE COURT: It came up.

3 MR. CANTY: We searched the record, Your Honor. With  
4 respect to the witness --

5 THE COURT: "Bombshell." Wasn't that it?

6 MR. CANTY: It came up -- that question was sustained.  
7 It came up whether Sarah Wellman had seen the article, and she  
8 said the first time she saw the article was after this  
9 litigation was filed. There's no evidence in the record that  
10 any of the plaintiffs saw that article.

11 THE COURT: It's good for argument, but I'm not going  
12 to take it out.

13 MR. CANTY: I understand, but to argue that it put  
14 plaintiffs on notice when no plaintiff said they saw it.

15 THE COURT: You can tell them that. And then there's  
16 always post-trial if anything comes up.

17 MR. CANTY: Yes, Your Honor.

18 So with respect to --

19 THE COURT: I agree with you. I was surprised, but --  
20 you know, whatever. Okay.

21 So that takes care of 18. Now which one? 19?

22 MR. CANTY: 19, the third line down.

23 THE COURT: Third line down.

24 MR. CANTY: Yes.

25 THE COURT: Line Number 6?

## CHARGING CONFERENCE

1           **MR. CANTY:** This is line 5.

2           **THE COURT:** Chen, Gamino. Okay. Go ahead.

3           **MR. CANTY:** Proved that before that date, they did not  
4 discover --

5           **THE COURT:** Oh, discover, yes. Okay.

6           Good.

7           Okay. That's it?

8           **MR. CANTY:** That's it, Your Honor.

9           **THE COURT:** Excellent. Okay.

10          Defendant?

11          **MR. CLUBOK:** Yes, Your Honor.

12          **THE COURT:** So, Plaintiff, all the other jury  
13 instructions are okay from your perspective; right?

14          **MR. CANTY:** Yes, Your Honor.

15          **THE COURT:** Okay. Good.

16          Okay. Defendant.

17          **MR. CANTY:** Your Honor, the only issue that defendants  
18 want to raise is the instruction for intentionally.

19          **THE COURT:** Oh, yes. What number is that?

20          **MR. CLUBOK:** That's Instruction Number 17.

21          **THE COURT:** Yes. I am not going to use your proposed  
22 extract from the federal wiretap statute because this is a  
23 state statute, and I took the definition of "intentionally"  
24 directly out of a state California Court of Appeal case that  
25 was construing that very portion, that very word, in CIPA. So

## CHARGING CONFERENCE

1 that's why I'm doing that.

2 MR. CLUBOK: May I be heard, Your Honor?

3 THE COURT: Yes, very briefly, please.

4 MR. CLUBOK: The Ninth Circuit has said that CIPA is  
5 modeled after the Federal Wiretap Act, and that case, the *Rojas*  
6 case that they cited, even that case goes on to explain the  
7 distinction between how plaintiffs are trying to use it here  
8 versus how it was used in *Rojas*. The fundamental difference is  
9 between a first-party use case or a third-party misuse case,  
10 and *Rojas* -- the entirety of *Rojas* explains why it was  
11 appropriate there, because HSBC in that case was recording  
12 themselves, every single employee's or many employees'  
13 confidential like phone conversations.

14 So that's why that expanse of definition was given.  
15 Basically, the second clause that Your Honor has added -- or  
16 Your Honor's -- beginning with "or with the knowledge to a  
17 substantial certainty" that the plaintiffs asked for and  
18 Your Honor added.

19 It is very different in *Rojas* where it was the first party,  
20 you know, recording their employees' conversations, and that's  
21 why that standard was given.

22 This is a criminal statute. The intent standard, the  
23 Ninth Circuit has said -- as I said in other cases -- really  
24 has to track what it would be, even though this is a civil --  
25 obviously a civil cause of action under that standard.

## CHARGING CONFERENCE

1           **THE COURT:** This is a state cause of action.

2           **MR. CLUBOK:** I'm sorry. I agree.

3           But it's a state cause of action that the Ninth Circuit has  
4 said is modeled after the Federal Wiretap Act.

5           **THE COURT:** Yes. We don't need to do that because I  
6 have a state statute construed by a state court of appeal. So  
7 I'm going to use that.

8           **MR. CLUBOK:** Understood. And I just for the -- may  
9 I ask if we could file a short brief?

10          **THE COURT:** No, no briefs. Past the stage of briefs.  
11 You can raise it in your JMOL if you need to. Okay? That's  
12 what the JMOL is for. Just do all that later.

13          I've never seen people so eager to spend client money on  
14 briefs.

15          Okay. That's it? Good. 17?

16          **MR. CLUBOK:** With that exception noted --

17          **THE COURT:** I have noted --

18                               (Simultaneous speakers.)

19          **MR. CLUBOK:** No other objections to the instructions.

20          **THE COURT:** No other objections to the jury  
21 instructions?

22          **MR. CLUBOK:** No, not from --

23          **THE COURT:** Okay. Let's look at the verdict form.

24          **MR. CANTY:** Your Honor, we have no objection to the  
25 verdict form with one exception.

## CHARGING CONFERENCE

1 On Question 2, we would suggest that the --

2 **THE COURT:** Can I just jump in? So here's what I did.  
3 I just want to be clear on the verdict form. It turned out  
4 that CACI had model instructions on the CIPA, the statute we  
5 were just discussing, that broke down the elements like this.  
6 So that's why I've adopted that presentation of the California  
7 Invasion of Privacy Act in Questions 3, 4, and 5.

8 And Questions 1 and 2, with respect to the statute of  
9 limitations, are also drawn directly from a CACI-proposed  
10 instruction as well as the instructions on limitations that you  
11 just referred to.

12 Now, you were saying -- what do you want me to look at?

13 **MR. CANTY:** Yes. For Question 2 --

14 **THE COURT:** Question 2, yes.

15 **MR. CANTY:** -- what we would suggest is that the  
16 language track the jury instruction that you're giving. So,  
17 for example, the question would read: Did Chen, Gamino, or  
18 Wellman discover or know of facts that would have caused a  
19 reasonable person to suspect that they had suffered harm that  
20 was caused by Meta's wrongful conduct prior to June 7, 2020?

21 **THE COURT:** What instruction was that?

22 **MR. CANTY:** This would be for Question 2.

23 **THE COURT:** No, I know. What --

24 **MR. CANTY:** This is the statute of limitations, the  
25 second question under the statute of limitations.



## CHARGING CONFERENCE

1           **THE COURT:** No, I know that, but what is the jury  
2 instruction?

3           **MR. CANTY:** 19, Your Honor.

4           **THE COURT:** 19.

5           All right. So instruction 19 states: If plaintiffs Chen,  
6 Gamino, and Wellman prove that before the date -- before that  
7 date that they did not discover and did not know of facts that  
8 would have caused --

9           Oh. So what do you want to do? You want to put that in  
10 Question 2?

11           **MR. CANTY:** Yeah. The question would track that  
12 language, so it would read: Did Chen, Gamino, and Wellman  
13 discover or know of facts that would have caused a reasonable  
14 person to suspect that they had suffered harm that was caused  
15 by Meta's wrongful conduct?

16           **THE COURT:** All right.

17           **MR. CANTY:** Prior to June 7, 2020.

18           **OTHER ATTY:** Okay. Defendant?

19           **MR. CLUBOK:** Your Honor, if there's a change to be  
20 made, then this -- and this goes to an issue I wanted to raise  
21 generally -- it has to -- they're turning it into an individual  
22 issue as opposed to a classwide inquiry. And the question, the  
23 specific question whether Ms. Chen, Ms. Gamino, and Ms. Wellman  
24 had facts to -- that would have caused a reasonable person to  
25 suspect they had suffered harm -- that is the heart of why this

## CHARGING CONFERENCE

1 is an individual issue. It can't --

2           **THE COURT:** Wait. What are you talking about? I just  
3 want to know -- he just wants to know if he wants to change  
4 this language. You already said we're done on the jury  
5 instructions. We're just looking at the verdict form now.

6           **MR. CLUBOK:** We don't agree the verdict form can be  
7 changed without having individual line items for each of the  
8 three plaintiffs and making it clear that is an individual  
9 question for each of the three plaintiffs.

10           It also says -- so that -- that's -- yeah, that's the  
11 issue.

12           **THE COURT:** None of the plaintiffs were asked  
13 individual questions about when they saw the Wall Street  
14 Journal article.

15           **MR. CLUBOK:** I believe they each were, Your Honor.  
16 That's what Mr. Canty just said.

17           **THE COURT:** He said that the Wall Street Journal  
18 article didn't come up.

19           **MR. CANTY:** Correct.

20           **THE COURT:** Exactly the opposite.

21           **MR. CLUBOK:** I'm sorry, Your Honor. Each of the  
22 plaintiffs had testified in their depositions that they'd never  
23 seen it.

24           **THE COURT:** Deposition doesn't matter. You're in  
25 court now. What matters is what happened and was admitted at

## CHARGING CONFERENCE

1 trial, not at deposition. That doesn't matter, what happened  
2 in deposition. That's not evidence that this jury has seen.

3 MR. CLUBOK: Understood.

4 THE COURT: You can only go -- only go by what they  
5 asked and answered -- what they were asked and what they  
6 answered here in court.

7 MR. CLUBOK: Right, but the inquiry, if it's going to  
8 be applied to individuals, is fine. The jury instruction -- or  
9 the verdict form, I should say, is -- is -- is okay if it --  
10 the current -- without identifying individuals, the verdict  
11 form is basically saying the whole class is determined whether  
12 these three --

13 THE COURT: It identifies three individuals. It says  
14 Chen, Gamino, and Wellman. So if the jury decides that Chen  
15 saw it and Gamino and Wellman didn't, they would answer no.  
16 It's a conjunctive statement.

17 MR. CLUBOK: So they have to decide that all three saw  
18 it in order to --

19 THE COURT: That's what "and" means.

20 MR. CLUBOK: Right, and --

21 THE COURT: What's wrong with that?

22 MR. CLUBOK: Because the statute of limitations is an  
23 individual issue, and if one of them did see it --

24 THE COURT: They're going to decide it. They're  
25 doing to say did Chen, Gamino, and Wellman, all three, see it.

## CHARGING CONFERENCE

1           **MR. CLUBOK:** Oh, I see. But the fact that those three  
2 didn't see it -- that -- again, we -- this is part of our class  
3 decertification motion that we'd like to make.

4           **THE COURT:** Let's just stop for a moment. We're not  
5 doing that now. We're just doing the verdict form. Okay?  
6 Just wait and see what happens. You can do whatever you want  
7 in the JMOL motion, not now.

8   **A.** And also, when you say we have no other concerns about the  
9 jury instructions, you can't pop up later and say: Oh, well,  
10 actually, you can't do it this way.

11           You can't do that.

12           Now, the way you formulated it is an alternative way than  
13 the CACI formulates it, so it would say before what date?  
14 "Before June 7, 2020, did Chen, Gamino, and Wellman discover or  
15 know of facts that would have caused a reasonable person to  
16 suspect that they had suffered harm that was caused by  
17 someone's wrongful conduct?"

18           Is that what you want to say?

19           **MR. CANTY:** Meta's wrongful conduct.

20           **THE COURT:** That's what you want to say?

21           **MR. CANTY:** Yeah.

22           **THE COURT:** That isn't CACI. That is an alternative  
23 formulation. I'm happy to -- I don't care. It doesn't make  
24 any difference. I think they're both the same. I just like  
25 the other one. It's a little shorter.

## CHARGING CONFERENCE

1           **MR. CLUBOK:** But, Judge -- Your Honor, I'm sorry.

2           Your Honor, now you'll be asking the jury that they have to  
3 include that all three of these people knew of facts or should  
4 have been -- should have known of facts or did know of facts,  
5 and that's a standard that can't possibly be the case for the  
6 whole class. Obviously, the whole class didn't read the  
7 Wall Street Journal, but for anyone in the class who read the  
8 Wall Street Journal or could have -- or other reasons to be on  
9 notice, and we go beyond the Wall Street Journal in this  
10 argument -- it's inherently an individual issue, not by --

11           **THE COURT:** Let me jump in. I'm not sure -- I seem to  
12 have problems getting through to you and your trial team about  
13 what I say.

14           So here's the issue: We're not taking up class cert. Now,  
15 I'm going to footnote that just because I don't think you're  
16 remembering my order clearly.

17           I said in class cert you had no evidence about the  
18 penetration of the Wall Street Journal article among the  
19 members of the class. You didn't present any evidence that one  
20 person read it or a million people read it. You didn't do that  
21 at trial either. You presented zero evidence at trial that  
22 one, five, 50, or 500 million people saw the Wall Street  
23 Journal article.

24           You're not going to be very well situated to come and tell  
25 me, oh, we don't know and so you can't certify a class, because

## CHARGING CONFERENCE

1 you did not put on any evidence that suggested there was any  
2 uncertainty about that. You could have had someone come in and  
3 say something and you didn't, so --

4 You can save that for another day, but I don't think you're  
5 recalling my order clearly.

6 But the only question now -- CACI offers two versions of  
7 the knowledge or discovery point. The one I have here is  
8 Version 2 and then the one your colleague here would like is  
9 Version 1.

10 Do you have a preference between Version 1 and Version 2?

11 Version 1, as your colleague suggests, takes the exact  
12 language out of the jury instruction. Version 2 is just, in my  
13 view, more elegant and simple. But I'm agnostic on the --

14 Which one do you prefer? Just pick one.

15 **MR. CLUBOK:** I'd prefer 1 if the three individuals are  
16 named on the verdict form.

17 And I do remember your order on class cert.

18 **THE COURT:** Just pick Version 1 or Version 2. Which  
19 one do you want from CACI?

20 **MR. CLUBOK:** Is Version 2 the one you have --

21 **THE COURT:** Version 2 is the one here on the verdict  
22 form and Docket Number 742. Version 1 is the one that takes  
23 the language directly out of Instruction 19.

24 **MR. CLUBOK:** Your Honor, I guess, then, we would say  
25 Version 1, but only with individual line items. And I

## CHARGING CONFERENCE

1 understand that's not on option you're giving me.

2 **THE COURT:** Only with what?

3 **MR. CLUBOK:** We would go with Version 1, which I think  
4 is what Mr. Canty is saying, but only with individual lines for  
5 each plaintiff. That would be what we are requesting. I  
6 understand you've rejected that, but I just want to be clear.  
7 That's --

8 **THE COURT:** I don't actually care. It doesn't make  
9 any difference to me. Do you want --

10 **MR. CANTY:** They should be together, consistent with  
11 CACI 1. And I believe defendants have agreed that we should  
12 use that.

13 **THE COURT:** I don't really think it makes any  
14 difference. It literally makes no difference if it resolves --

15 **MR. CANTY:** Your Honor, I understand. It's not  
16 tactical. I just think it tracks the language more closely to  
17 the instruction --

18 **THE COURT:** I will use the before -- I'll use that  
19 formulation that follows the language in Instruction 19. I'm  
20 going to do that.

21 But you're -- the defense lawyer is suggesting that you  
22 just have a little box for each of those people.

23 It doesn't matter. I mean, it makes no difference. As  
24 long as one person falls within the class is good. You just  
25 need one person who's within the limitations period.

## CHARGING CONFERENCE

1           **MR. CANTY:** I agree. I just think it overly  
2 complicates it for the jury.

3           **THE COURT:** I don't know if complicates it any more  
4 than saying all three together in one sentence.

5           **MR. CANTY:** We'll certainly defer to the Court.

6           **THE COURT:** All right. I'll put all three. It makes  
7 no difference. I'll put a box for all three.

8           Okay. Anything else on the verdict form?

9           Take the path of the least resistance. That's always  
10 better.

11           **MR. CANTY:** Your Honor, we had a discussion, and  
12 certainly I think we're -- this is one time I'm in agreement  
13 with defense counsel. We're pleading slight ignorance.

14           My understanding was that the substantive charge goes  
15 before any affirmative defenses in a verdict sheet. I'm not  
16 100 percent sure of that.

17           **THE COURT:** In what?

18           **MR. CANTY:** That the substantive charge would go  
19 before any affirmative defense on a verdict sheet.

20           **THE COURT:** Well, no, because if they find that  
21 they're barred, you wouldn't take up the -- that's my --

22           **MR. CANTY:** Okay.

23           **THE COURT:** If they answer no, if they're outside the  
24 period, there's no reason for them to answer the CIPA.

25           **MR. CANTY:** Understood.



## CHARGING CONFERENCE

1           **THE COURT:** Do you see what I'm saying?

2           **MR. CANTY:** Yes, Your Honor.

3           **THE COURT:** I think analytically, that's the way it  
4 works.

5           **MR. CANTY:** Yeah.

6           **THE COURT:** Let's say you win. I don't know. Who  
7 knows? Let's say you win. What are we going to do about  
8 damages? I'm just curious. I'm not going to tie your hands.  
9 We're just talking among friends.

10           **MR. CANTY:** I think what we would do is we would have  
11 the claims-made process where individuals could file for  
12 damages --

13           **THE COURT:** That's it?

14           **MR. CANTY:** -- under the statute.

15           Well, we also have a -- we have a -- presumably we'll have  
16 a class -- although we wouldn't have a California class. We  
17 would do a traditional claims-made process post-verdict.

18           **THE COURT:** So just whoever files, files, and that's  
19 the ultimate judgment amount?

20           **MR. CANTY:** The defendants would have to set up a fund  
21 to fund the statutory amount that each eligible class member is  
22 entitled to.

23           **THE COURT:** If it's a thousand dollars; right?

24           **MR. CLUBOK:** I believe it's \$5,000.

25           **MR. CANTY:** \$5,000. Excuse me. \$5,000 for

## CHARGING CONFERENCE

1 California.

2 THE COURT: Oh, is that the 5,000 one?

3 MR. CLUBOK: I believe so.

4 THE COURT: So it's 5,000. All right. And then  
5 whoever comes, comes, and that's it?

6 MR. CANTY: That's my understanding.

7 THE COURT: And how are you calculating -- it's just  
8 one 5,000 payment per plaintiff; right?

9 MR. CANTY: Correct.

10 THE COURT: And you agree with that?

11 MR. CANTY: Yes, Your Honor.

12 THE COURT: So we just wait and see? Is that the  
13 idea?

14 MR. CANTY: That is my understanding on how the  
15 claims-made process works; yes, Your Honor.

16 THE COURT: Okay.

17 MR. CANTY: I have to confess, Your Honor, I've never  
18 had a verdict where there's been a claims-made process made.  
19 These cases often settle, so I'm -- I'm -- it's my  
20 understanding, but I can do further research if the Court wants  
21 additional information.

22 THE COURT: So -- so we just have to wait and see.

23 MR. CANTY: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. CLUBOK: Your Honor, may I be heard?

## CHARGING CONFERENCE

1           **THE COURT:** Yes. Please.

2           **MR. CLUBOK:** We think that the damages, if any, would  
3 be decided pursuant to the *Campbell* test, *Campbell v. Facebook*,  
4 315 FRD 250, Northern District of California 2016.

5           There's a multifactor test even when there is a statutory  
6 damage award like this that on its face just says a number like  
7 5,000. We may have a Seventh Amendment -- Sixth Amendment --  
8 one of the amendments. Seventh Amendment -- sorry, Your  
9 Honor -- right to a jury on those issues or at least a judicial  
10 determination, and it would be an individual determination.

11          That's our position. Also --

12          **THE COURT:** That's not the -- that's some brother  
13 judge talking. That's not California state law.

14          We'll deal with it when we have to deal with it. I just  
15 didn't -- I mean, normally a verdict has a punchline, but  
16 there's not going to be a punchline --

17          **MR. CANTY:** Correct.

18          **THE COURT:** -- for dollars.

19          **MR. CANTY:** Correct.

20          **MR. CLUBOK:** And if I may, Your Honor, are we entitled  
21 to tell the jury the consequence of the decision?

22          **THE COURT:** Of course not. Absolutely not, yeah.

23          **MR. CLUBOK:** If I could just -- on the verdict form --

24          **THE COURT:** That would be equivalent of telling a  
25 verdict a jury in an antitrust case, "And, by the way, every

## CHARGING CONFERENCE

1 dollar you award is going to get tripled." You don't do that.

2 MR. CLUBOK: Thank you.

3 On the verdict form, with the individual questions for each  
4 of the three, we also think that it's required for Questions 4  
5 and 5, Your Honor.

6 THE COURT: No, that is not required for Questions 4  
7 and 5. I'm only doing it as a slight accommodation on  
8 limitation because it's already sort of phrased that way as all  
9 three.

10 MR. CLUBOK: We appreciate it.

11 THE COURT: And I'm not going to do on 4 and 5.

12 MR. CLUBOK: Well, Your Honor, this, again, goes to  
13 my -- what I would like to make at least an oral motion to  
14 decertify --

15 THE COURT: It takes one person, just one named  
16 plaintiff, to have a claim for the class. That's it. It just  
17 takes one.

18 MR. CLUBOK: But there's very different -- the  
19 evidence showed in this case -- the evidence did show very  
20 different arguments about reasonable expectation of privacy,  
21 different issues with consent.

22 THE COURT: It doesn't matter what their reasonable  
23 expectations were subjectively. It's an objective standard.

24 We've talked about this before. I know you on the defense  
25 side like to keep saying, "Oh, it depends what every woman

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1 thinks." It doesn't. Every consumer case, and I've cited case  
2 law expressly on this point, it is an objective standard of  
3 reasonable expectation of privacy. It does not matter. All  
4 three of them could have -- all four of them could have come in  
5 here and said -- which they didn't, I want to be clear -- but  
6 they could have said, "I personally didn't know one way or the  
7 other" or "I didn't have any expectation." It doesn't matter.

8 Now, it may not have been great for the jury to hear that,  
9 but as a matter of law, it is an objective standard --

10 **MR. CLUBOK:** Right --

11 **THE COURT:** -- and I think it is reasonably objective  
12 that the jury could decide one way or the other whether  
13 somebody would -- a reasonably objective person would feel  
14 invaded by this. That's what they're going to decide.

15 **MR. CLUBOK:** Except, Your Honor, for some women,  
16 literally the only information that was conveyed was that they  
17 were using a period tracker app. That is a very different  
18 test. Even Your Honor asked people openly in court, "Do you  
19 have a period tracker app on your phone?" And Your Honor said,  
20 if you have any concerns about that, you can come talk  
21 privately.

22 Everyone opened up and said, "We have a period tracker app  
23 on our phone. No problem." That's one issue.

24 There was one -- one of the three plaintiffs --

25 **THE COURT:** Everyone did not open their phone up and

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1 say, "I have a period tracker; it's no problem." Nobody said  
2 that. Not a single person said that.

3 **MR. CLUBOK:** Your Honor --

4 **THE COURT:** Okay. It's an option. You can save it  
5 for closing argument or JMOL motion.

6 I'll see you in the morning.

7 **MR. CLUBOK:** Your Honor, may I make an oral motion on  
8 the decertification very quickly?

9 **THE COURT:** No, no, no. You can do that post-trial.  
10 JMOL is not a decertification option. You can ask after --

11 See what the verdict is. Maybe you don't have to do it.  
12 Okay? Why waste the time? Just do it on an as-needed basis.

13 **MR. CLUBOK:** I think that the -- I think we're  
14 required to before we agree to let this go to the jury, but --

15 **THE COURT:** Certification? No, you ask to decertify  
16 after a verdict.

17 Listen, I'm not going to say no if you want to do it.  
18 Okay? So don't worry about it.

19 You all set on demonstratives? I really, really do not  
20 like any interruptions during closing. It's your last chance  
21 to talk. Okay? So make sure you've got everything worked out,  
22 please, unless -- I really -- just, you know, this is a  
23 professional courtesy. It is our tradition. Let each other  
24 speak. You can say "he's lying" or "he's doing this," whatever  
25 you want to say, but don't pop up during the thing. Okay?

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1           **MR. CANTY:** Yes, Your Honor. Got it.

2           **THE COURT:** Got it all worked out?

3           **MR. CANTY:** May I ask a question?

4           **THE COURT:** Yes.

5           **MR. CANTY:** With respect to the order, it's my  
6 understanding that the plaintiffs will go first, and we're --  
7 we have the opportunity to reserve rebuttal time?

8           **THE COURT:** Yes. You get the last word. You're the  
9 plaintiff. You've got the burden of proof.

10          **MR. CANTY:** Thank you.

11          **THE COURT:** What do you want to do? 40 and 5?

12          **MR. CANTY:** 35 and 10.

13          **THE COURT:** 35 and 10?

14          It's not up to me. Do you want to decide in the morning?

15          **MR. CANTY:** Yes, Your Honor. Thank you.

16          **THE COURT:** Okay.

17          There's a late-breaking note coming in.

18          **MR. CANTY:** Yes.

19          Ms. Clark has a request.

20          **THE COURTROOM DEPUTY:** You're going to need to upload  
21 all of the exhibits on a thumb drive to load onto the jury PC  
22 tomorrow morning before we start court.

23          **MR. CLUBOK:** How many copies of that do you need?

24          **THE COURTROOM DEPUTY:** Just one for the jury PC.

25          **MR. CANTY:** We'll coordinate with defense.

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1           **MR. CLUBOK:** We'll work together on that.

2           **THE COURT:** Yes.

3           **MR. CANTY:** One issue with respect to the initial  
4 issue brought up about the statute of limitations.

5           In the event the jury finds that the statute of limitations  
6 was in effect, we'd like to reserve the right to move to make a  
7 motion pursuant to Rule 50(a). Obviously we don't want to make  
8 that motion now. We would make it after.

9           **THE COURT:** Post-trial.

10          **MR. CANTY:** Thank you, Your Honor.

11          **THE COURT:** Yeah.

12          **MR. CANTY:** We just want to reserve that. Thank you.

13          **THE COURT:** Do all the cleanup you want, or you  
14 can ask for all the cleanup you want post-trial.

15          Okay. See you in the morning.

16          **MR. CANTY:** Thank you, Your Honor. See you tomorrow.

17          **THE COURTROOM DEPUTY:** All rise. Court's in recess.

18                   (Proceedings adjourned at 2:09 p.m.)

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

DATE: Thursday, July 31, 2025

A handwritten signature in blue ink, reading "Ruth Levine Ekhaus", followed by a horizontal line.

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Ruth Levine Ekhaus, RMR, RDR, FCRR, CCG, CSR No. 12219  
Official Reporter, U.S. District Court